

## **REMARKS**

Claims 1, 6, 9, 10, 11, 17 and 18 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 6, 9-11 and 17-18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cerwin et al. (U.S. Pat. No. 4,550,729) in view of Williams (U.S. Pat. No. 4,112,944). This rejection is respectfully traversed.

The surgical clamp of the claimed invention includes, *inter alia*, a pair of arms, each arm having a clamping member with a clamping face for holding tissue or a vessel to be clamped.

The Examiner has stated that “Cerwin et al. disclose the invention substantially as claimed,” (see Action at 2) including, *inter alia*, a surgical clamp having arms (refs. 71, 72), each arm having a clamping post that is perpendicular to the plane of the arms’ pivotal movement and a clamping face that is capable of holding tissue (refs. 74, 75). The Examiner concedes that Cerwin et al. do not disclose a ratchet mechanism to hold the clamp in closed configuration, but relies on Williams in this regard.

Applicant respectfully submits that the Examiner has misread and misapplied the cited combination to the pending claims. In particular, the Examiner relies primarily upon Cerwin et al. at FIG. 8 as showing what the Examiner regards as clamping posts with clamping surfaces – the hook sections (74) and (75) (see Action at 2). This structure of Cerwin et al., however, comprises complementary locking hooks that retain

the clamp in its closed configuration – ***the structure does not provide a clamping member having clamping face*** contrary to the Examiner’s position. Cerwin et al. states:

FIG. 8 shows still another embodiment of a hemostatic clip in accordance with the present invention. In this embodiment the clip 70 comprises a pair of leg members 71 and 72 connected at their proximal ends by a resilient hinge section 73. The distal end of leg member 71 terminates in a vertically protruding hook section 74 and the distal end of leg member 72 terminates in a horizontally extending hood section 75. The hook sections have complimentary configurations which interlock with each other when the clip is closed and prevent [sic, prevent] lateral movement between the vessel clamping inner faces 76 and 77.

Cerwin et al., col. 7, lines 1-12.

The Examiner’s equating the hook sections with the clamping members having clamping faces of the claimed invention is erroneous. A tissue is clamped by the device of Cerwin et al. between the “vessel clamping inner faces 76 and 77,” not at the hook sections 74 and 75. The hook sections of Cerwin et al. hold the clamp closed.

Consequently, combining Williams’ teaching of a ratchet mechanism (for holding the clamp closed) with the clamp of Cerwin et al. would yield a clamp having Williams’ ratchet ***in place of*** the hook sections 74 and 75 of Cerwin et al. That is, when the teachings of Cerwin et al. are combined with those of Williams, Williams’ ratchet would ***substitute*** for the locking hooks of Cerwin. Such combination would fail to teach or suggest the clamping member with a clamping face recited in the claimed invention.

Applicant, therefore, respectfully submits that the cited combination does not render the pending claims obvious. Applicant requests that the Examiner reconsider and withdraw the outstanding rejections.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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